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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
November 28, 2006**

Present: Commissioners Lythgoe, Notbohm and Weber; Matt Johnson, County Attorney; Harold Stepper and Mike Hoffman, County Planners; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Celia Wolny, Louis Oakes, Dennis Lay

MINUTES

Commissioner Weber moved to adopt the minutes of October 17. Commissioner Lythgoe seconded. The motion carried.

CALENDAR REVIEW

11/29 Meet with Bill Lloyd and Dave Aune re: north end water/sewer and South Hills
RID - 10:00
11/30 Re-count of election - 8:00
Zoning Commission - 4:00
12/01 CSAA - Helena - 10:30
North-end business roundtable - noon

SUBDIVISION REVIEW

FINAL PLAT APPROVAL - OAKES MINOR

Mike Hoffman, County Planner, presented his staff report. He noted that a variance for one point of ingress-egress has been granted. Commissioner Weber moved to grant final plat approval. Commissioner Notbohm seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - TRAVIS CREEK MINOR

Mike Hoffman presented his staff report. The developer has two variance requests; one for one point of ingress-egress and one for a portion of the road with a greater than 10% grade. The developer is in the process of obtaining an easement from the Forest Service for access. A written easement will be required before final plat approval will be granted. Mike recommended that preliminary plat approval be granted.

Commissioner Weber asked if a stamped, engineered road plan is required at this point. Dennis
November 28, 2006 minutes.wpd

Lay, the developer, presented the requested plan. Commissioner Weber asked what stage Dennis is at in obtaining the easement. Dennis stated that he is still working on it. They have told him that this will not be a problem, but since he is dealing with a Federal agency, it will take a while.

Commissioner Weber asked about the grade variance. Dennis stated that the road is at a 12% grade for about 100 feet. Commissioner Weber asked if Dennis has discussed this with the fire department. Dennis stated that he has not discussed this with them yet. Commissioner Weber stated that the reason he is concerned with this is because last year there was a fire just outside of town, and the fire trucks couldn't get up there and the house was lost. This is why he would like to know that the fire trucks could get up there.

Commissioner Lythgoe moved to grant preliminary plat approval. Commissioner Notbohm seconded for discussion. He stated that he feels that they need to put in a stipulation that the fire department must sign off on the 12% grade in the road. Commissioner Lythgoe asked Commissioner Notbohm if he wanted to amend his motion to include this. Commissioner Notbohm stated that he did. Commissioner Lythgoe moved to accept the amendment. Commissioner Weber seconded the amendment. Commissioner Lythgoe asked if there was any further information. Commissioner Notbohm stated that in the past few years there have been situations in the Clancy area when the fire department was not able to provide service due to the roads. Dennis stated that he is aware of this, and he has no problem with the amendment. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON AMENDING COMPLAINT IN CITY OF HELENA LAWSUIT

Matt Johnson, County Attorney, stated that they have filed a lawsuit against the City of Helena. Since then, there has been a court hearing. Judge Tucker stated that the issue seemed to be more about annexation than the formation of a planning board. The previous day the Commission had a meeting with the City of Helena. Mr. Paulson feels that this is likely an issue the court will have to decide. Matt stated that he needs the permission of the Commission to amend the complaint before the court to ask if the City of Helena has the authority to annex across county lines. He is looking for a motion from the Commission to amend their complaint; this will allow us to move forward. The planning board will not have much effect until the annexation is taken care of. Commissioner Lythgoe asked if this is all that needs to be added, or are there other issues, such as zoning.

Matt stated that this is a two-tier issue; zoning is tied in. The first question is if the City of Helena is able to annex territory without Jefferson County's permission, and if they are able, will our zoning remain set. Commissioner Notbohm noted that there is a growth policy in place also. Matt stated that the growth policy needs to be amended every five years.

Commissioner Weber stated that the judge set forth a time line, and asked if this will effect that. Matt stated that the amended complaint doesn't effect the time line, but will just add additional information and something for the judge to ponder.

Commissioner Weber asked if anything else is needed. Matt said that there isn't, unless the Commission has something.

Commissioner Weber moved to grant permission to the County Attorney's office to amend the complaint to include the annexation question, and zoning as it relates to the annexation question. Commissioner Notbohm seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Celia Wolny stated that she would like to put a binder in the Boulder Library where the newspapers are. The binder would contain agendas and minutes, not just of the Commission, but also of the JLDC, City and Chamber of Commerce. She has spoken to Cyd about this, and she has no problem with the idea. The reason that she would like to do this is that it is sometimes not always convenient for people to come to the courthouse to gather information. She stated that she would take the responsibility to keep the binder current, but she would like the Commission to provide the information.

Commissioner Lythgoe stated that he feels that this is overkill, and the Commission staff is busy. If Celia wants to come over and get the information, that would be fine.

Commissioner Weber stated that he applauds the thought, and asked what she is asking the Commission to do. The information - agenda, minutes, is on the website. Celia stated that she would like to have a packet to pick up periodically, with the agenda, minutes and support material that is usually on the Clerk and Recorder's counter. This would just be one more way to make information accessible to the public. Commissioner Weber asked if she would want this information for all of the boards, or just the Commission. Celia stated that all she is aware of is these meetings, but if the Commission feels that other information would be helpful, that would be great. Commissioner Weber stated that all minutes, etc are available at the Clerk and Recorder's office. He applauds the thought, as it feels as if they are working in a vacuum at times. The information is available if she is willing to come pick it up. Commissioner Lythgoe stated that if Bonnie's staff has to take the time to make copies, etc. - this is over and above what we need to do to be open to the public. Commissioner Weber noted that there is the public's right to know, and Celia is willing to come get the information. Celia stated that she is willing to pay for copies, but it sounds like this is a bigger issue than she thought.

Commissioner Notbohm stated that sometimes boards get behind on minutes, and it could put them in a bind to keep up with what Celia wants. Commissioner Lythgoe stated that he is not sure it is necessary to do over and above what they are already doing. Celia stated that it is not her intention to make things difficult. Commissioner Lythgoe stated that he understands this.

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Jan Anderson stated that the previous day at the meeting with the City of Helena, it was said that both sides need to back off and look for the middle ground. How does today's action mesh with that. Commissioner Lythgoe stated that today's action was not a response to yesterday's

meeting. It was said yesterday that the planning piece makes all the sense in the world, and should probably be done with other adjacent counties. This annexation issue is the sticker. We are not able to move forward with planning until it is resolved. At the meeting yesterday it was proposed that a working group be formed to decide what to focus on. The action taken today will have no negative impact on that. He hopes that the City of Helena feels the same way. Commissioner Weber stated that he agrees; there are impacts that will go both directions, and it makes all the sense in the world to plan for those impacts. Commissioner Notbohm stated that annexation is something that the City of Helena realize is not something Jefferson County will just accept easily. Commissioner Lythgoe stated that the issues have been combined, but at this stage they are two separate issues, and the planning issue needs to be resolved. Commissioner Weber stated that they want to plan with the City of Helena and Lewis and Clark County. The sticky point is the annexation issue. Planning however, deals with ADT, weeds, etc., and needs to be dealt with. Commissioner Notbohm stated that he hopes it is clear to the City of Helena that Jefferson County is not in favor of annexation and when the working group is put together that annexation is not to be dealt with.

## **MEETING ADJOURNED**

### **ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**CHUCK NOTBOHM, COMMISSIONER**

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**KEN WEBER, COMMISSIONER**